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Letter dated 16 June 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you the summary report of the recent Wilton Park conference on the theme "Women targeted or affected by armed conflict: what role for military peacekeepers?". The seminar was organized by the United Nations Development Fund for Women, UN Action Against Sexual Violence in Conflict and the Department of Peacekeeping Operations (see annex), with the assistance of the Governments of Canada and the United Kingdom.

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council as a contribution to the consideration of the item on the agenda of the Council on 19 June. The full report can be found on the Internet at http://www.unifem.org/news_events/event_detail.php?EventID=175#links.

(*Signed*) Karen **Pierce**
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Annex to the letter dated 16 June 2008 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

WOMEN TARGETED OR AFFECTED BY ARMED CONFLICT: WHAT ROLE FOR MILITARY PEACEKEEPERS?

Conference Summary

May 27-29, 2008
Wilton Park, Sussex, UK
UNIFEM, DPKO, UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT, WILTON PARK, GOVERNMENTS OF THE UNITED KINGDOM AND CANADA

We know from grim experience how sexual violence in conflict wreaks devastation on individuals, families, communities, and entire societies. [...] Widespread and systematic sexual violence further heightens insecurity. There are consequences for recovery and reconciliation. When alleged perpetrators are not prosecuted and brought to justice, the rule of law is undermined and impunity reigns.

— Message from the United Nations Secretary-General Ban Ki-Moon to the Wilton Park Conference on May 27 2008.

It is more dangerous to be a woman than to be a soldier right now in Eastern DRC.

— Major General Patrick Cammaert, former Deputy Force Commander.

I PURPOSE

The conference reviewed current peacekeeping practice in the prevention of widespread and systematic sexual violence in conflict and post-conflict contexts, with a view to:

i. Identifying existing efforts to prevent the targeting of women and children for sexual violence within current peacekeeping approaches to civilian protection;

ii. Building a policy consensus on sexual violence as a security issue backed by mandates, means, training and incentives for effective response.

II PARTICIPATION

Of 70 participants 27 came from military establishments (former Force Commanders, army personnel, staff of Defence Ministries). Others included four MPs, four Permanent Representatives, seven DPKO staff, and a number of other UN personnel, peace activists and academics.

III NATURE OF THE PROBLEM

Sexual violence was acknowledged as a categorically prohibited method of warfare. Widespread and systematic sexual violence (which includes rape, forced prostitution, sexual slavery, forced impregnation, forced termination of pregnancy, enforced sterilization, trafficking and other offences) ranks among the grave breaches of international humanitarian law, as reflected in the 1998 *Rome Statute of the International Criminal Court*, the 1949 Geneva Conventions and the jurisprudence of the International Criminal Tribunals for the former Yugoslavia and Rwanda. It was noted that in some contemporary conflicts, sexual violence is used as a strategy of warfare for obtaining political and military ends. It is used to torture, terrorize, demoralize, injure, degrade, intimidate and punish affected populations.

Evidence suggests an increase in the scale and brutality of sexual violence, described by Dr. Mukwege of Panzi Hospital, Bukavu, Eastern DRC, as "the monstrosity of our century". Participants acknowledged that the radically changed nature of conflict, characterised by an increased civilian-combatant interface, has made the protection of women more difficult and sexual violence more severe, and indeed a "particularly potent weapon of war." Even if sexual violence is not the outcome of an explicit order (as in the Bosnian rape camps of the early 1990s), command responsibility covers violations committed by armed forces where the commander has failed to prevent, suppress or punish crimes.

Though recorded **data was generally viewed as inadequate**, available trend analysis suggests a marked increase in the scale and brutality of war-related sexual violence over the past two decades. In North Kivu, Eastern DRC, evidence was cited that three out of four women have been raped, some with extreme violence resulting in irreparable fistulae, mutilation or death. In relation to the conflicts in Sierra Leone (1991-2002) and Liberia (1980-2003), evidence was adduced that at least 50% of women suffered some form of sexual violence, rising to over 80% in IDP and refugee camps. In contexts such as Eastern DRC, sexual violence appears to increase once fighting stops and the situation is stabilized. While this may reflect higher reporting rates facilitated through increased humanitarian access, it may also reflect two other phenomena: first, the committing of sexual violence on a widespread scale by civilian men, including demobilised combatants; and second, the continuation of inter-group conflict by other means. It was thus affirmed that the legacy of impunity for war-time rape is "peace-time rape" – a perception that women can be violated without consequence.

Yet **sexual violence has not, to date, been recognised as a security problem requiring a systematic security response.** It remains steeped in a myth of inevitability that the conference agreed must be challenged at every opportunity. Some speakers acknowledged that dismissing sexual violence as a "cultural" phenomenon or as culturally condoned gives perpetrators "license to rape". Security institutions and aid agencies have tended to see it as a domestic criminal matter, requiring a law and order response, and a medico-social problem, requiring medical care and long-term attitudinal change. Sexual violence by armed groups, however, requires a response commensurate with its scale and magnitude.

Peacekeeping missions are increasingly mandated to protect civilian populations under imminent threat of physical violence. Participants acknowledged this may not consistently be interpreted to encompass sexual violence due to the unconventional spaces and times at which it occurs; the fact that sexual violence is shrouded in silence and shame; and is often invisible, concealed as a "war within a war." Moreover, the protection of civilians mandate of

peacekeeping operations has yet to be matched with political resolve and resources, doctrine and guidance. Troop contributing countries likewise have not internalised this issue to the national defence policies that inform their peacekeeping doctrines.

Ad hoc tactical responses need to be codified as doctrine and included in pre-deployment as well as in-theatre training. In some contexts in which the security environment is particularly grave for women, UN/AU/EU/NATO Force Commanders have innovated response tactics to intercept/deter attacks by belligerents on women and children. These tactics are assembled in a background paper presented to the conference (Letitia Anderson, 2008, *Analytical Inventory of Responses by Peacekeeping Personnel to War-Related Violence Against Women,* UNIFEM). This paper shows that for peacekeepers on the ground, not to act in the face of mass rape is unthinkable, yet how to act remains unclear. It thus highlights the need for an institutionalized response within doctrine, concept of operations (CONOPS), rules of engagement (ROE) and scenario-based training, which provides guidance without curtailing operational flexibility or risking an escalation of the conflict. There was broad convergence that the human, economic and opportunity costs of responding to sexual violence far exceed those of effective prevention.

Participants noted that responses must be congruent with international humanitarian and human rights law and mindful of the need to preserve neutral, independent "**humanitarian space**" for unarmed actors, such as the International Committee of the Red Cross (ICRC). Nonetheless, where the military component of missions has the material and logistical assets to help strengthen civilian infrastructure – building schools or digging drains – they will be used to assist communities through limited, appropriate CIMIC (civil-military cooperation) projects.

IV FINDINGS

There are currently 8 United Nations peacekeeping missions authorized by the Security Council to protect civilians under imminent threat of physical violence (MINURCAT, MINUSTAH, MONUC, UNAMID, UNIFIL, UNMIL, UNMIS and UNOCI). A number of ex-Force Commanders agreed that **not enough is being done to protect women and children** from widespread and systematic sexual violence in these contexts. The conference agreed that the credibility of peacekeeping operations largely depends on how successful they are in this respect.

In response to the **need to address sexual violence holistically**, it was recognised as a sub-set of the broader protection of civilians challenge, but one that requires a tailored response. This is primarily because survivors tend not to report sexual violence for fear of social stigma, re-victimisation, or due to "built-in bias" in the legal system. There is hence a paucity of intelligence on attack patterns and the profile of perpetrators. It is also because sexual violence takes place in contexts and at time periods that lack a regular security presence: homes, water points at pre-dawn hours, forests where women forage for fuel, fields where they cultivate crops.

A **paradigm shift** is needed because "business as usual" has not equipped peacekeepers to detect, predict, prevent and respond effectively to attacks. Participants stressed that while the identification of good practice is useful, responses are highly contingent on context (for

instance, strategies employed in Darfur, where the centre of gravity is IDP camps, do not translate to a setting like DRC).

Differences in levels of organisation and brutality, intent and scale, require tailored response tactics. It is useful to distinguish between three sexual violence environments:

Widespread and systematic	Widespread and opportunistic	Isolated and random
Deployed as method of warfare by armed groups (a sexual manifestation of aggression, rather than an aggressive manifestation of sexuality)	Armed groups and ordinary civilians exploit conflict and chaos to attack women.	Domestic criminal matter, unrelated to political strategy or to international peace and security
Peacekeeping efforts to prevent, deter and respond to attacks attuned to "hidden" violence in non-conventional physical space and time	Integrated mission response. Encourage domestic judicial system to prioritize efforts to prevent, protect and prosecute.	National law and order responses, public information campaigns

Focusing on the first two categories, a range of **operational challenges** were identified:

- The precise contours of the **military-police relationship** in peace operations are still being negotiated. Distinctions between military and police functions can be difficult to maintain as complex conflicts draw peacekeepers into overlapping spheres of operation.

- There is considerable variation in the ways that Special Representatives of the Secretary-General (SRSGs) and Force Commanders interpret mandates and ROE, and responding to sexual violence is yet to be viewed and acted upon by mission leadership as an **institutional priority.**

- Commanders face **interruptions in the chain of command** when national contingents refer back to capital, placing them in a role described as "Force Coordinators," rather than "Force Commanders." This can hamper swift, effective civilian protection and create an "interoperability" problem of divergent attitudes among troop/police contributing countries (TCCs/PCCs) to violence against women in security settings.

- These problems are exacerbated by immense logistical and infrastructure challenges, varied terrain, and splintered armed factions, which require commensurate **human and materiel resources**. One participant with experience of firewood patrols in Darfur stated: *"If you want me to fly, first give me wings; then you can say whether I flew well."* In other words, there is no cost-neutral solution: it is redundant to issue mandates not matched with appropriate resources.

- There is considerable variation in the **training** of troops and their capacity to internalise the paradigm shift in civilian protection required to address sexual violence as integral, not extraneous, to the achievement of mission objectives. It is a mistake to assume that gender analysis/women's protection will come "instinctively" to soldiers trained in war-fighting. When peacekeepers confront a highly-sensitive security problem they have never encountered in training, they are likely to make errors.

- Specific strategies of persuasion and dissuasion — explained in relation to the culture/belief systems of the group — need to be adapted to **armed opposition groups/non-State actors**, for whom sexual violence may be a particularly taboo subject, as a license to loot and rape at gun-point often serves as incentive for irregularly-paid rebels to continue the fight. An instrument increasingly used is unilateral *Codes of Conduct/Deeds of Commitment*, whereby armed groups undertake to comply with international humanitarian law.

- Incomplete **Demobilization, Disarmament and Reintegration** (DDR) results in spoilers/ex-combatants being reinserted into communities awash with small arms and light weapons, where these individuals continue to prey upon women and children. As one Liberian militia member was quoted as saying during DDR: "Since we lost the battle, we should at least win the beautiful women." It was further acknowledged that receiving $30 per month does not transform a rebel into a civilian. Absent psychological debriefs and follow-up, it can rather transform a rebel into a more proximate threat to vulnerable civilians.

Effective responses to sexual violence were deemed to require:

- **Political will and leadership,** demanding a security response to sexual violence in conflict, is needed from the Field Commander to the SRSG, and from the Secretary-General to the Security Council. This must be manifest in strong and specific mandates (e.g. para 18, 2007 MONUC Mandate extension, SC Res 1794); timely delivery and deployment of resources; and positive incentives to recognise and reward effective strategies. As one speaker put it, political guidance must be deeper than the directive: "Do something, General!"

- **Gender-sensitive conflict assessments** are required to identify threats of sexual violence and inform deployment planning and resourcing. Assessments should include how risks differ for women and men, boys and girls and how they change over the course of a conflict (e.g. through social take-up of abusive practices). This also requires a gender/age-disaggregated assessment of the root causes of violence against different demographic groups (poverty; dependence; the resurgence of harmful traditional practices; drug/alcohol use, etc).

- Prepare for missions using **scenario-based planning** to guide appropriate force generation, equipment procurement, resource allocation (including women personnel), and training.

- **Clear guidance** to peacekeeping missions is needed on how to operationalize the protection of civilians mandate, including the protection of women and girls from sexual violence. The 28 January 2008 *MONUC Force Commander's Directive on Protection of Civilians in the Democratic Republic of Congo* (059/MONUC/C/FC) stands out as an operational directive mentioning sexual violence and guiding a decisive response.

- Force Commanders should innovate with military and police tactics to **patrol unconventional space at unconventional times** (e.g. firewood patrols, pre-dawn patrols, "night flashes," etc). For sustainability, and as a "force multiplier", these can be coordinated with "village vigiliance/defense committees" that assist in early-warning.

- The deterrent effect of **prosecution** is diminished by judicial weakness or collapse in war-affected countries. In a prevailing climate of impunity arms-bearers view rape "not only as a *tool* of war, but a *toy* of war," as consequences are negligible to non-existent, making a mockery of efforts to resurrect the rule of law. Indeed, sexual violence was recognised as the only crime for which a community's response is more often to stigmatise the victim, rather than the perpetrator. Integrated peace operations need to be a catalyst for reconstruction of rule of law institutions.

- **Local women's groups and women leaders must be empowered** by peacekeepers from the start of missions to represent women's views and engage in public decision-making. Peacekeepers exert a profound impact on social practices; if they treat women with respect, the community and even combatants may follow suit. Women themselves must be closely involved in all measures taken on their behalf. In this regard, peacekeepers can serve as "trend-setters" for how the community views and values women. Moreover, a greater level of liaison with local women's groups can help peacekeepers ascertain protection gaps and provide a vital source of operational intelligence.

- The protection of women must be linked to all elements of **public decision-making** so that women can articulate their needs for justice and recovery. Specific efforts must be made to engage women in peace processes, restoration of the rule of law and post-conflict recovery of economic and governance systems. In contemporary, intra-State conflicts, those least politically empowered are inevitably most affected. Prevention of sexual violence is thus inseparable from the empowerment of women. The threat of sexual violence was acknowledged to preclude women's participation in public life, keeping women out of the institutions that perpetuate gender-based violence simply by ignoring it.

- **Coordination** with all substantive sections of a mission, UN system partners, agencies, donors, and NGOs is imperative to maximise the efforts of the military component and produce a visible, tangible impact on the ground.

V STRUCTURED FOLLOW-UP

Immediate and longer-term follow-up actions include practical support to peacekeepers, coupled with sustained political engagement, and efforts to develop policy frameworks conducive to an effective response.

i. Guidance and Coordination:

The requirement to protect civilians and prevent sexual violence must be considered early in **mission planning**, reflected in Terms of Reference for Technical Assessment Missions (TAMS), and included in military guidance. **Gender analysis** must be integrated into mission planning, particularly with respect to engaging civil society and women's groups.

Operational practices currently being undertaken to protect women from sexual violence must be **identified, systematized and disseminated.** The *Analytical Inventory* prepared by UNIFEM will be validated and amended through consultations with peacekeeping operations. This will enable DPKO to identify by the end of 2008 a series of practices across peace operations that have been shown to work.

The **forthcoming DPKO/OCHA research** on implementation of mission protection of civilian mandates will also provide a stronger evidence-base for the development of doctrine on the protection of civilians.

UN Action Against Sexual Violence in Conflict will continue to provide strategic and technical support to UN Country Teams to ensure that the UN's efforts to prevent and respond to sexual violence are **better coordinated and more comprehensive**.

ii. Resources:

TCCs/PCCs must continue to increase the numbers of **uniformed female personnel** they deploy. Women were recognised to have a comparative advantage in intelligence-gathering as military observers (UNMOs), and in community liaison/cordon and search operations as members of Formed Police Units (FPUs)/UNPOL or CIMIC Officers. This will require increased recruitment of women in national security sectors, coupled with DPKO/DFS strategies to attract and retain women in peacekeeping careers.

DPKO will request Member States to ensure deployments also routinely include **personnel with expertise and experience in addressing sexual violence.** Funding and expertise should also be provided to facilitate **CIMIC projects/QIPs** (Quick Impact Projects), which directly respond to the needs of local women, with due attention paid to the concerns of humanitarian actors. **Increased recruitment of women** in the mission area as language assistants can facilitate interactions with local women as a confidence-building measure.

iii. Training and Incentives:

DPKO modules for **pre-deployment training** will include key messages and guidance on preventing and responding to sexual violence. Training should further incorporate context-specific protection scenarios. DPKO will explore the possibility of including in the existing

MOU with TCCs/PCCs an obligation by Member States to ensure pre-deployment training for their military and police personnel. This should be complemented with **mission-specific training** and community orientation, including on local gender dynamics.

Pre-deployment briefings to national Command and Staff Colleges at the highest-planning level could be conducted by a **travelling "presentation team"** composed of DPKO, UNIFEM/UN Action Against Sexual Violence in Conflict and an ex-Force Commander.

Support at the highest levels should be given to effective, path-breaking responses to women's protection needs. Medals regimes could be adapted to this effect as a **non-material incentive**.

iv. Political Leadership:

SRSGs must provide exemplary leadership and guidance on actions to be taken at the strategic level; prioritize resources required to carry out these actions; and politically support the Force Commander.

The role of military peacekeepers in preventing and responding to sexual violence, and in particular the **leadership role of Force Commanders**, will be discussed at the annual meeting of the Heads of Military Components in August 2008, with a view to identifying additional strategies.

Political leadership of **host authorities** is critical to ensuring that the interventions of peacekeepers to prevent sexual violence are sustained in the long-term. Host countries bear primary responsibility for the protection of their citizenry. Though tasked to work *with* host authorities, peace operations should not shy away from helping to vet the security sector of past perpetrators and building capacity for domestic military prosecutions/disciplinary actions.

Acknowledging that practical gaps have policy roots, the conference stressed the need for the **Security Council** to explicitly recognise that in some situations the widespread use of targeted, systematic sexual violence may constitute a threat to international peace and security. Participants welcomed the US Government's decision to bring a resolution to the Security Council on 19 June condemning sexual violence in situations of armed conflict. This will further empower security actors to consolidate existing best practice and develop doctrine to address and prevent sexual violence. The Council is currently being outpaced by peacekeepers themselves who, as the *Analytical Inventory* attests, already treat sexual violence as warranting a security response. The Council should strengthen its capacity to **monitor** sexual violence, the profile of perpetrators and action taken to eliminate it, including through regular and systematic reporting by missions.

Mandate ambiguity, coupled with fear of censure when mistakes are made, can create a disincentive to innovative action to protect civilians. Strong and specific mandates, backed by adequate resources, may stimulate strong and specific responses. The military, after all, "cannot operate in an environment of ambiguity". Policy efforts—be they preventive diplomacy, sanctions, arms embargoes, or a harsh media spotlight—can increase the political,

economic, social and military cost of sexual violence for the perpetrators and put at risk what they value.

International commitment to **engaging women in peace talks** should be renewed decisively. UNIFEM will prepare guidance on options for enabling women's representation as part of negotiating delegations and in expert/observer roles. Member States can champion this effort through their engagement in peace mediation and talks facilitation, and by raising publicly whether negotiating groups are/are not engaging women in the peace process as required by SC Res1325.

v. **Ending Impunity:**

Impunity serves as incentive for continued violence, whereas justice shows would-be perpetrators that women's lives matter. The ICC and other war crimes courts can be encouraged to **include sexual violence in indictments, investigations and prosecutions,** and to provide full protection for witnesses and victims. The absolute prohibition on amnesty for perpetrators of sexual violence should be universally respected and promoted through consistent, highly-visible trials.